Virginia Article 1 - Federal Operating Permit
Title V Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia. Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Hopewell Cogeneration Limited Partnership.
Facility Name:	Hopewell Cogeneration Facility
Facility Location:	1114 Hercules Road Hopewell, VA. 23860
Registration Number:	50967
Permit Number:	PRO50967

May 22, 2001
Effective Date

December 1, 2003
Amended Date

May 22, 2006
Expiration Date

Director, Department of Environmental Quality

Signature Date

Permit Conditions, 35 pages

Table Of Contents

I. Facility Information

Permittee
Hopewell Cogeneration Limited Partnership.
Hopewell Cogeneration Facility
1114 Hercules Road
Hopewell, Va. 23860

Responsible Official	**Contact person**
Mr. Eric Heggeseth	Mr Gary Cassano or Mr. Harry C. Barnes
Vice President	Environmental Representatives
(804) 458-0700	(804) 458-0770 Ext. 203

Facility
Hopewell Cogeneration Limited Partnership
1114 Hercules Road
Hopewell, Va. 23860

AIRS Identification Number: 51-670-0058

Facility Description: SIC Code Number - 4911.

The Hopewell Cogeneration Facility, a 356.5 MW combined cycle cogeneration facility, is an independent power producer. The facility has three ABB type 11 N combustion turbines, each rated at 1,143.6 million-BTU/hour on natural gas and 1,091.1 million-BTU/hour on number 2 fuel oil, and three unfired Nooter Eriksen heat recovery steam generators (HRSGs), each rated at 360,000 pounds/hour. The facility has one ABB 120,000 kilowatts steam turbine, and two auxiliary Babcock and Wilcox boilers, each rated at 229.0-million BTU/hour on natural gas and 220.0 million-BTU/hour on number 2 fuel oil. The facility has two Caterpillar 1,500 KW diesel generators and three 1.250 million gallon number 2 fuel oil tanks.

II. Applicability Information:

The Hopewell Cogeneration Facility, which is located in an attainment area, is a federal major stationary source because the facility's emissions exceed 100 tons per year and the facility is one of the 28 stationary sources categories identified in 40 CFR 52, Section 52.21 or because total annual emissions exceed 250 tons per year. The facility is a PSD major source and received a PSD permit issued on July 1, 1988 and amended on March 31, 1989 and October 31, 2000. A permit for a third number 2 fuel oil storage vessel was issued on June 6, 1990.

The facility is a Title V major source of PM10, SO2, NOx and CO. pollutants.

The Standards of Performance (NSPS) for Stationary Gas Turbines, 40 CFR 60 Subpart GG are applicable to affected facilities with a heat input greater than 10.7 gigajoules per hour (10 million-BTU per hour) and to facilities that commenced construction, modification or reconstruction after October 3, 1997. The three ABB combustion turbines, rated at 1,143.6 million-BTU per hour, were constructed in August of 1988 and are subject to 40 CFR 60 Subpart GG.

The Standards of Performance (NSPS) for Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 60 Subpart Db are applicable to each steam generating unit that commences construction, modification or reconstruction after June 19, 1984 and that has a heat input capacity from fuels combusted in the steam generating unit greater than 29 MW (100 million-BTU per hour). The two auxiliary Babcock and Wilcox boilers, each rated at 229.0-million BTU per hour, were constructed on August of 1988 and are subject to 40 CFR 60 Subpart Db.

The Standards of Performance (NSPS) for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which construction, reconstruction, or modification commenced After July 23, 1984, Subpart Kb are applicable to each storage vessel with a capacity greater than or equal to 40 cubic meters (10,568 gallons) that is used to store volatile organic liquids for which construction, reconstruction or modification commenced after July 23, 1984. Two 1.250 million gallon number were constructed in August of 1988 and the third 1.250 million gallon number 2 fuel oil storage vessel was constructed in July of 1990 and all three vessels are subject to 40 CFR 60 Subpart Kb.

III. Equipment:

A. Emission Units

The Emission Units and equipment to be operated consists of:

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
CT1	CT1-001	Combustion Turbine Type 11 N ABBHM300555	ABB (07-88)	1143.6 MMBTU/hr. – input,natural gas 1091.1 MMBTU/hr – input, # 2 fuel oil
CT2	CT2-002	Combustion Turbine Type 11 N ABBHM300556	ABB (07-88)	1143.6 MMBTU/hr. – input,natural gas 1091.1 MMBTU/hr – input, # 2 fuel oil
CT3	CT3-003	Combustion Turbine Type 11 N ABBHM300564	ABB (07-88)	1143.6 MMBTU/hr. – input,natural gas 1091.1 MMBTU/hr – input, # 2 fuel oil
AB1	AB1-004	Auxiliary Boiler	Babcock and Wilcox (07-88)	229.0 MMBTU/hr. – input, natural gas 220.0 MMBTU/hr. – input, # 2 fuel oil
AB2	AB2-005	Auxiliary Boiler	Babcock and Wilcox (07-88)	229.0 MMBTU/hr. – input, natural gas 220.0 MMBTU/hr. – input, # 2 fuel oil
G1	G1-06	Emergency Generator	Caterpillar (07-88)	5.1 MMBTU/hr. – input (1,500 KW)
G2	G1-06	Emergency Generator	Caterpillar (07-88)	5.1 MMBTU/hr. – input (1,500 KW)
I1	NA	Fuel Storage Tank	Vertical fixed roof (07-88)	1,250,000 gallons
I2	NA	Fuel Storage Tank	Vertical fixed roof (07-88)	1,250,000 gallons
I3	NA	Fuel Storage Tank	Vertical fixed roof (07-88)	1,250,000 gallons

B. Control Equipment

The control equipment at this facility consist of the following :

Stack/Emission Unit No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity*	Pollutant
CT1	I-99 Steam Injection	ABB –Type 11N Combustion Turbine (07-88)	65% design	NO_x
CT2	I-99 Steam Injection	ABB –Type 11N Combustion Turbine (07-88)	65% design	NO_x
CT3	I-99 Steam Injection	ABB –Type 11N Combustion Turbine (07-88)	65% design	NO_x
AB1	I-99 Low NO_x burner and I-99 Flue Gas Recirculation	Babcock and Wilcox (07-88)	85% design	NO_x
AB2	I-99 Low NO_x burner and I-99 Flue Gas Recirculation	Babcock and Wilcox (07-88)	85% design	NO_x

*The control efficiencies are not applicable requirements, but are provided for descriptive purposes only.

IV. Fuel Burning Equipment Requirements - (Unit Reference. Numbers CT1, CT2, CT3 and AB1, AB2 and G1, G2):

A. Limitations

1. Each combustion turbine (Ref. Nos. CT1, CT2, and CT3) shall not consume more than 61.19 x 10^6 gallons No. 2 fuel or 8.99 x 10^9 $feet^3$ of natural gas per year, calculated monthly as the sum of the previous consecutive 12 month period.

   (9 VAC 5-170-160 and Condition 4 of 10/31/00 PSD Permit)

2. Each auxiliary boiler (Ref. Nos. AB1 and AB2) shall consume no more than 13.77 x 10^6 gallons No. 2 fuel or 2.01 x 10^9 $feet^3$ of natural gas per year, calculated monthly as the sum of the previous consecutive 12 month period.

   (9 VAC 5-170-160 and Condition 5 of 10/31/00 PSD Permit)

3. Emissions from the operation of each combustion turbine (Ref. Nos. CT1, CT2, and CT3) shall not exceed the limitations specified below. Annual emissions shall be calculated monthly as the sum of the previous consecutive 12 month period:

	<u>For Natural Gas Firing</u>		
Particulates	4.0 x 10^{-3} lbs/10^6 Btu	4.57 lbs/hr	18.0 tons/yr
$S0_2$	5.4 x 10^{-4} lbs/10^6 Btu	0.62 lbs/hr	2.4 tons/yr
VOC		0.72 lbs/hr	3.1 tons/yr
CO		25.8 lbs/hr	110.4 tons/yr
$N0_2$*	42 ppmv dry at 15% 02	176.9 lbs/hr	675.6 tons/yr
	<u>For No. 2 Oil Firing</u>		
Particulates	0.039 lbs/10^6 Btu	28.0 lbs/hr	122.6 tons/yr
$S0_2$	0.21 lbs/10^6 Btu	225.0 lbs/hr	896.8 tons/yr
VOC		7.0 lbs/hr	29.1 tons/yr
CO		26.0 lbs/hr	112.0 tons/yr
$N0_2$*	65 ppmv dry at 15% 0_2	275.7 lbs/hr	1036.9 tons/yr
Lead		5.7 x 10^{-3} lbs/hr	2.35 x 10^{-2} tons/yr

*Nitrogen oxide emission level measured by Reference Method 20 shall be adjusted to ISO standard dry condition by the following ambient condition correction factor:

$$NO_x = (NO_{xobs}) \quad (P_{ref}/P_{obs})^{0.5}(288^{O}K/T_{amb})^{1.53}(e^{19}(H_{obs} - 0.00633)$$

Where NO_x = emissions of NO_x at 15 percent 0_2 and ISO standard ambient condition =42 ppm for natural gas 65 ppm for No. 2 fuel

NO_{xobs} = Measured NO_x emissions at 15 percent oxygen ppmv

P_{ref} = Reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure at test ambient temperature

P_{obs} = Measured combustor inlet absolute pressure at test ambient pressure

H_{obs} = Specific humidity of ambient air at test

e = Transcendental constant (2.718)

T_{amb} = Temperature of ambient air at test, ^{O}K

(9 VAC 5-50-410, 9 VAC 5-50-280, 9 VAC 5-80-11, Condition 6 of 10/31/00 PSD Permit, and 40 CFR 60 Subpart GG)

4. The diesel generators (Ref. Nos. G1 and G2) shall not be operated when any of the three gas turbines (Ref. Nos. CT1, CT2, and CT3) are on line. The generators (Ref. Nos. G1 and G2) shall be used only to start-up one single turbine after which the generators shall be taken off-line. The combined maximum number 2 fuel oil burned in the diesel generators (Ref. Nos. G1 and G2) shall not exceed 55,800 gallons per year, calculated monthly as the sum of the previous consecutive 12 month period, to ensure that the annual emissions do not exceed the exemptions levels in 9 VAC 5-80-11 of the regulations
(9 VAC 5-170-160 and Condition 7 of 10/31/00 PSD Permit)

5. Emissions from the operation of each auxiliary boiler (Ref. Nos. AB1 and AB2) shall not exceed the limitations specified below. Annual emissions shall be calculated monthly as the sum of the previous consecutive 12 month period:

	For Natural Gas Firing		
Particulates	0.1 lbs/10^6 Btu	22.9 lbs/hr	100.3 tons/yr
$S0_2$	6.0 x 10^{-4} lbs/10^6 Btu	0.14 lbs/hr	0.6 tons/yr
NO_x as $N0_2$	0.1 lbs/10^6 Btu	22.9 lbs/hr	100.3 tons/yr
CO		19.92 lbs/hr	87.3 tons/yr
VOC		1.15 lbs/hr	5.0 tons/yr

For No. 2 Oil Firing

Particulates	0.10 lbs/10^6 Btu	22.0 lbs/hr	96.4 tons/yr/unit
$S0_2$	0.20 lbs/10^6 Btu	44.0 lbs/hr	192.7 tons/yr/unit
NO_x as $N0_2$	0.10 lbs/10^6 Btu	22.0 lbs/hr	96.4 tons/yr/unit
CO		19.1 lbs/hr	83.8 tons/yr/unit
VOC		1.1 lbs/hr	4.8 tons/yr/unit
Lead	1.20 x 10^{-3} lbs/hr		5.3 x 10^{-3} tons/yr/unit

(9 VAC 5-50-410, 9 VAC 5-50-260, Condition 8 of 10/31/00 PSD Permit, and 40 CFR 60 Subpart Db)

6. Emission from the operation of both diesel generators (Ref. Nos. G1 and G2) shall not exceed the limitations specified below. Annual emissions shall be calculated monthly as the sum of the previous consecutive 12 month period:

For No. 2 Oil Firing

SO_2	2.8 lbs/hr	0.8 tons/yr
NO_x as NO_2	45.1 lbs/hr	12.5 tons/yr
CO	12.0 lbs/hr	3.3 tons/yr

(9 VAC 5-50-260 and Condition 9 of 10/31/00 PSD Permit)

7. Toxic pollutant emissions from the operation of the combustion turbines and steam generators (Ref. Nos. CT1, CT2, and CT3)shall be limited by not exceeding the fuel usages under Part IV, A, Specific Conditions 1 and 2 of this permit.
   (9 VAC 5-50-190 and Condition 10 of 10/31/00 PSD Permit)

8. Nitrogen oxide emissions from the combustion turbines (Ref. Nos. CT1, CT2, and CT3) will be controlled by steam injection. The steam injection system shall be provided with adequate access for inspection.
   (9 VAC 5-50-280, 9 VAC 5-80-11, and Condition 11 of 10/31/00 PSD Permit)

9. Sulfur dioxide emissions from the combustion turbines (Ref. Nos. CT1, CT2, and CT3) will be controlled by steam injection. The steam injection system shall be provided with adequate access for inspection.
   (9 VAC 5-50-280 and Condition 12 of 10/31/00 permit.)

10. Nitrogen oxide emissions from the auxiliary boilers (Ref. Nos. AB1 and AB2) shall be controlled through boiler design employing multi-stage low NO_x burners.
    (9 VAC 5-50-280, 9 VAC 5-80-110, and Condition 13 of 10/31/00 PSD Permit)

11. The approved fuels for the combustion turbines (Ref. Nos. CT1, CT2, and CT3) and auxiliary boilers (Ref. Nos. AB1 and AB2) are No. 2 fuel oil and natural gas. A change in the fuel may require a permit to modify and operate. The No. 2 fuel oil shall meet the ASTM [D396-78] specifications for numbers 1 or 2 fuel oil.
    (9 VAC 5-170-160 and Condition 14 of 10/31/00 PSD Permit)

12. The average sulfur content of the No. 2 oil to be burned in the combustion turbines (Ref. Nos. CT1, CT2, and CT3) and auxiliary boilers (Ref. Nos. AB1 and AB2) shall not exceed 0.2 percent by weight, per shipment. The permittee shall maintain records of all oil shipments purchased indicating sulfur content per shipment. These records will be available for inspection by the Board. They will be kept on file for a period of at least five (5) years.

    (9 VAC 5-170-160 and Condition 15 of 10/31/00 PSD Permit)

13. The permittee shall meet all applicable requirements of 40 CFR Part 60 Subpart GG - Standards of Performance for Stationary Gas Turbines and 40 CFR Part 60 Subparts Db – Standards of Performance for Industrial - Commercial - Institutional Steam Generating Units.

    (9 VAC 5-50-410 and Condition 23 of 10/31/00 PSD Permit)

14. The facility shall operate in compliance with 9 VAC 5-40-160 and 9 VAC 5-50-160, Toxic Pollutants. No changes in the facility that alter emissions of any toxic pollutant or cause the emission of additional toxic pollutants shall be made without the prior written approval of the Board.

    (9 VAC 5-40-200, 5-50-200 and Condition 15 of 10/31/00 PSD Permit)

15. The permittee shall meet the nitrogen oxide standards as specified in 40 CFR 60.44b at all times including periods of startup, shutdown, and malfunction.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.44b(h))

16. Except as provided by 40 CFR 60.44b(j), the permittee shall show compliance with the emission limits of 40 CFR 60.44b based on a 30-day rolling average.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.44b(i))

17. The permittee shall not cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0075 (14.4) / Y + F$$

    where:

    STD = allowable NO_x emissions (percent by volume at 15 percent oxygen and on a dry basis).
    Y=manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour.

    F=NO_x emission allowance for fuel-bound nitrogen as defined in paragraph (a)(3) of this section.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart GG 60.332(a)(1))

18. The permittee shall not cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart GG 60.333(a))

19. The permittee, subject to the provisions of 40 CFR 60 Subpart GG 60.334 and using water injection to control NOx emissions, shall install and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within 5.0 percent and shall be approved by EPA Region III.

    (9 VAC 5-50-260, 9 VAC 5-50-410, and 40 CFR 60 Subpart GG 60.334(a))

20. The permittee shall determine the values of sulfur content and nitrogen content of fuel on each occasion that fuel is transferred to a storage tank from any other source if the turbine is supplied its fuel from a bulk storage tank.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart GG 60.334(b)(1))

21. The permittee shall determine compliance with the nitrogen oxides and sulfur dioxide standards in 40 CFR 60.332 and 60.333(a) as follows:

    The nitrogen oxides emission rate (NO_x) shall be computed for each run using the following equation:

    $NO_x=(NO_{x0})\ (P_r/P_o)^{0.5}e19(H_o-0.00633)\ (288\ K/T_a)^{1.53}$

    where:

    NO_x=emission rate of NO_x at 15 percent O2 and ISO standard ambient conditions, volume percent.

    NO_{x0}=observed NO_x concentration, ppm by volume.

    P_r=reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg.

    P_o=observed combustor inlet absolute pressure at test, mm Hg.

    H_o=observed humidity of ambient air, g H_2O/g air.

    e=transcendental constant, 2.718.

    T_a=ambient temperature, ^{0}K.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart GG 60.335(c)(1))

22. The permittee shall use a monitoring device as specified in 40 CFR 60.334(a) to determine the fuel consumption and the water-to-fuel ratio necessary to comply with 40 CFR 60.332 at 30, 50, 75, and 100 percent of peak load or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations supplied by the manufacturer.

    (9 VAC 5-50-260, 9 VAC 5-50-410, and 40 CFR Subpart GG 60.335(c)(2))

23. The permittee shall determine compliance with the sulfur content standard as specified in 40 CFR 60.333(b) as follows: ASTM D 2880-71 shall be used to determine the sulfur content of liquid fuels and ASTM D 1072-80, D 3031-81, D 4084-82, or D 3246-81 shall be used for the sulfur content of gaseous fuels (incorporated by reference-see 160.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of EPA Region III.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart GG 60.335(d))

24. To meet the requirements of 40 CFR 60.334(b), the permittee shall use the analytical methods and procedures as specified in 40 CFR 60.335(a) to measure nitrogen content and shall determine compliance with sulfur content standard as described in 40 CFR 60.335(d) and Section IV, A, Condition 23 of this permit of the fuel being burned. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.

    (9 VAC 5-50-260, 9 VAC 5-50-410, and 40 CFR 60 Subpart GG 60.335(e))

B. Monitoring

1. The permittee shall install a continuous emission monitor to measure and record the concentration of nitrogen oxide and opacity of smoke emitted from the auxiliary boilers (Ref. Nos. AB1 and AB2). It shall be maintained and calibrated in accordance with manufacturers specifications.

    (9 VAC 5-80-110 and Condition 19 of 10/31/00 PSD Permit)

2. The permittee shall install a continuous monitoring system to monitor and record the fuel consumption and the ratio of steam to fuel being fired in the turbines (Ref. Nos. CT1, CT2, and CT3). It shall be maintained and calibrated in accordance with the manufacturer's specifications.

    (9 VAC 5-50-410, Condition 20 of 10/31/00 PSD Permit, and 40 CFR Subpart GG 60.334(b))

3. The permittee shall monitor the sulfur and nitrogen content of the No. 2 fuel being fired in the turbines (Ref. Nos. CT1, CT2, and CT3) in accordance with 40 CFR 60.334(b).

    (9 VAC 5-50-410, Condition 20 of 10/31/00 PSD Permit, and 40 CFR Subpart GG 60.334 (b))

4. Unless otherwise approved by the Board, the permittee shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring nitrogen oxides emissions discharged to the atmosphere.

    (9 VAC 5-50-100 and 40 CFR 60 Subpart Db 60.48b(b)(1))

C. Record Keeping & Reporting

1. The permittee shall keep records of the operating status of the combustion turbines (Ref. Nos. CT1, CT2, and CT3) and auxiliary boilers (Ref. Nos. AB1 and AB2) at the beginning and ending of each period the diesel generator is used. The amount of number 2 oil used by the diesel engine during the event shall be included in the record. The record shall be kept on file for a period of five years.

    (9 VAC 5-50-50, 9 VAC 5-170-160, and Condition 24 of 10/31/00 PSD)

2. The permittee shall retain records of all emission data and operating parameters required to be monitored by the terms of this permit. These records shall be maintained by the source for a period of at least five (5) years.

    (9 VAC 5-50-50, 9 VAC 5-60-50, and Condition 7 of 10/31/00 PSD)

3. If, for any reason, the permittee does not comply or will not be able to comply with the emission limitations or other conditions specified in this permit, the permittee shall provide in writing to the Director, Piedmont Region the following information as soon as possible but no later than five (5) days after such conditions become known to the permittee:

    a. Description of non-compliance;

b. Cause of non-compliance;

c. Anticipated time the non-compliance is expected to continue or, if corrected, the actual duration of non-compliance;

d. Steps taken by the permittee to minimize or eliminate the non-compliance; and

e. Steps taken by the permittee to prevent recurrence of the non-compliance.

(9 VAC 5-50-50 and Condition 13 of 10/31/00 PSD Permit)

4. The permittee shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

   (9 VAC 5-50-50, 5-50-410, and 40 CFR 60 Subpart Db 60.49b(d))

5. The permittee, subject to the opacity standard as specified in 40 CFR 60.43b, shall maintain records of opacity.

   (9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.49b(f))

6. All air pollution control equipment operators shall be trained and certified in the proper operation of all such equipment. The permittee shall maintain records of the required training and certification. Certification of training shall consist of a statement of time, place and nature of training provided.

   (9 VAC 5-170-160 and Condition 8 of 10/31/00 PSD Permit)

7. The permittee, subject to the nitrogen oxide standards of 40 CFR 60.44b, shall maintain records of and report the following information for each steam generating unit operating day to the Director, Piedmont Region:

   a. Calendar date.

   b. The average hourly nitrogen oxides emission rates (expressed as NO2) (ng/J or lb/million Btu heat input) measured or predicted.

   c. The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.

   d. Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under 40 CFR 60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken.

   e. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.

   f. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.

g. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

h. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

i. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.

j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1.

(9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.49b(g) and (i))

8. The permittee shall maintain all records required under 40 CFR 60 Subpart 60.49b for a period of 2 years following the date of such record.
(9 VAC 5-50-50, 5-50-410, and 40 CFR 60 Subpart 60.49b(o))

9. The permittee, subject to the provision of 9 VAC 5-50-40 A , shall maintain records of the occurrence and duration of any startup, shutdown or malfunction in the operation of such source; any malfunction of the air pollution control equipment; or any period during which a continuous monitoring system or monitoring device is inoperative.
(9 VAC 5-50-50 B)

10. The permittee shall maintain a file of all measurements, including continuous monitoring testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this chapter recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports and records.
(9 VAC 5-50-50 D)

11. Except as provided in 40 CFR 60.11(e)(3) , the permittee, to which an opacity standard in this part applies, shall conduct opacity observations in accordance with 40 CFR 60.11(b), shall record the opacity of emissions, and shall report to the Director, Piedmont Region the opacity results along with the results of the initial performance test required by 40 CFR 60.8. The inability of the permittee to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(9 VAC 5-50-410, 40 CFR 60 Subpart Db 60.49b(f), and 40 CFR 60 Subpart A 60.11(e)(2))

12. The permittee, subject to the sulfur dioxide standards under §60.42b and to the compliance and performance testing requirements of 40 CFR 60.45b and reporting requirement of 40 CFR 60.49b(j), shall submit the following reports to the Director, Piedmont Region:

a. Calendar dates covered in the reporting period

b. Each 30-day average sulfur dioxide emission rate (ng/J or lb/million Btu heat input) measured during the reporting period, ending with the last 30-day period; reasons for non-compliance with the emission standards; and a description of corrective actions taken.

c. Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period; reasons for non-compliance with the emission standards; and a description of corrective actions taken.

d. Identification of the steam generating unit operating days that coal or oil was combusted and for which sulfur dioxide or diluent (oxygen or carbon dioxide data have not been obtained by an approved method for at least 75 percent of the operating hours in the steam generating unit operating day; justification for not obtaining sufficient data; and description of corrective action taken.

e. Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

f. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted.

g. Identification of times when hourly averages have been obtained based on manual sampling methods.

h. Identification of the times when the pollutant concentration exceeded full span of the CEMS.

i. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with 40 CFR 60 Appendix B, Performance Specifications 2 or 3.

j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60 Appendix F, Procedure 1.

k. The annual capacity factor of each fired as specified in 40 CFR 60.49b(d).

(9 VAC 5-50-50 and 9 VAC 5-50-410, and 40 CFR 60 Subpart Db 60.49b(j) and (k))

13. The permittee shall obtain and maintain at the affected facility fuel receipts from the fuel supplier which certify that the oil meets the definition of distillate oil as defined in 40 CFR 60.41b. For the purposes of 40 CFR 60.49, the oil need not meet the fuel nitrogen content specification in the definition of distillate oil. The permittee shall submit reports to the Director, Piedmont Region certifying that only very low sulfur oil meeting this definition was combusted in the affected facility during the reporting period.

    (9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.49b(r))

14. The permittee shall report periods of excess emission to the Director, Piedmont Region as follows:

    a. Nitrogen oxides. Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with 40 CFR 60.332 by the performance test required by 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test required by 40 CFR 60.8. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine

load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).

b. Sulfur dioxide. Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent.

c. Ice fog. Each period during which an exemption provided in 40 CFR 60.332(g) is in effect shall be reported in writing to the Director, Piedmont Region quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

d. Emergency fuel. Each period during which an exemption provided in 40 CFR 60.332(k) is in effect shall be included in the report required by 40 CFR 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

(9 VA 5-50-50, 9 VAC 5-50-410, and 40 CFR 60 Subpart GG 60.334(c))

D. Testing

1. Once per permit term, stack emission tests shall be conducted for nitrogen oxides and carbon monoxide from the combustion turbines (Ref. Nos. CT1, CT2, and CT3). Method 20 shall be used for the combustion turbines. Stack tests for new or modified sources shall be conducted and reported and data reduced as set forth in Sections 9 VAC 5-50-30 and 9 VAC 5-60-30 of State Regulations and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410, and 9 VAC 5-60-70. At the same time, opacity tests, in accordance with 40 CFR, Part 60, Appendix A, Method 9, shall also be conducted on the combustion turbine stack. The details of the emission tests are to be arranged with the Director, Piedmont Region.

   (9 VAC 5-80-10 and Condition 17 of 10/31/00 PSD Permit)

2. The permittee shall determine compliance with standards, other than opacity standards, with performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.

   (40 CFR 60 Subpart A 60.11(a))

3. On and after the date on which the initial performance test is completed or is required to be completed under 40 CFR 60.8, which ever date comes first, the permittee shall not cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

   (9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.43b(f))

4. Except as provided under 40 CFR 60.44b (k) and (l), on and after the date on which the initial performance test is completed or is required to be completed under 40 CFR 60.8, which ever date comes first, the permittee that is subject to the provisions of 40 CFR 60.44b and that combusts only coal, oil, or natural gas shall not cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides (expressed as NO2) in excess of the following emission limits: 0.20 lbs/million BTU (high heat)heat input.

   (9 VAC 5-50-410 and 40 CFR 60 Subpart Db 60.44b(a))

5. All continuous monitoring systems and monitoring devices, as may be applicable for your source type, shall be installed and operational prior to conducting performance tests under 9

VAC 5-50-30 and 9 VAC 5-60-30. Performance evaluations of the continuous monitoring system must take place during the performance tests under 9 VAC 5-50-30 and 9 VAC 5-60-30 or within 30 days thereafter. Two copies of the report of the performance evaluations shall be submitted to the Director, Piedmont Region within 60 days of said evaluation.

(9 VAC 5-50-410 and Condition 6 of 10/31/00 PSD Permit)

V. Fuel Oil Storage Tank Requirements

A. Limitations

1. Previously permitted equipment consists of :
   -- two (2) 1.25 x 10^6 gallon capacity No. 2 oil storage tanks (Ref. Nos. I1 and I2).
   (Condition 3 of 10/31/00 PSD Permit)

2. Previously permitted equipment consists of:
   - 1.25 million gallon No. 2 Fuel Oil Storage Tank (Ref. No. I3)
   (Condition 2 of 06/06/90 NSR Permit)

3. Emissions from the operation of the 1.25 million gallon No. 2 Fuel Oil Storage Tank shall not exceed the limitations specified below. Annual emissions shall be calculated monthly as the sum of the previous consecutive 12 month period:

Volatile Organic Compounds	0.2 lbs/hr	1.0 tons/yr

   (9 VAC 5-50-260 and Condition 3 of 06/06/90 NSR Permit;

4. The yearly throughput of No. 2 Fuel Oil shall not exceed 84 x $l0^6$ gallons, calculated monthly as the sum of the previous consecutive 12 month period..
   (9 VAC 5-170-160 and Condition 4 of 06/06/90 NSR Permit)

5. The facility shall operate in compliance with (9 VAC 5-40-160 and 9 VAC 5-50-160) Toxic Pollutants. No changes in the facility that increase emission of any toxic pollutant or cause the emission of additional toxic pollutants shall be made without the prior written approval of the Board.
   (9 VAC 5-40-200, 9 VAC 5-50-200 or 9 VAC 5-50-200 and Condition 5 of 06/06/90 NSR Permit)

6. The approved fuel for storage is No. 2 Fuel Oil. A change in the fuel stored may require a permit to modify and operate. The No. 2 fuel oil shall meet the ASTM [D396-78] specifications for numbers 1 or 2 fuel oil.
   (9 VAC 5-170-160 and Condition 6 of 06/06/90 NSR Permit)

7. Volatile organic compound emissions from the No. 2 fuel oil storage tanks shall be controlled by a fixed roof design with pressure vacuum valve.
   (9 VAC 5-50-280 and 9 VAC 5-80-10 F)

B. Record Keeping

1. The permittee shall retain records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Such records shall be readily accessible.

   (9 VAC 5-50-50 and Condition 8 of 06/06/90 NSR Permit)

2. The permittee shall keep copies of all records required by 40 CFR 60.116, except for the record required by paragraph (b) of that section, for at least two years. The record required by 40 CFR 60.116(b) will be kept for the life of the source. The owner or operator of each storage vessel as specified in 40 CFR 60.110(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage vessel with a design capacity less than 75 m^3 is subject to no provision of this subpart other than those required by this paragraph.

   (9 VAC 5-50-410 and 40 CFR 60 Subpart Kb 60.116 (b))

VI. FACILITY WIDE CONDITIONS

A. General Conditions

1. Regardless of any other provision of this section, any facility which is subject to the provisions of 9 VAC 5-50-170 through 9 VAC 50-230 shall shut down immediately upon request of the board if its emissions increase in any amount because of a bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment; and such facility shall not return to operation until it and the associated air pollution control equipment are able to operate in a proper manner.

   (9 VAC 5-20-180 F 3)

2. At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers or handled in any manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.

   (9 VAC 5-50-20 F)

3. During the construction, modification or operation phase of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit an materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

   (9 VAC 5-50-90 and 9 VAC 5-50-300)

4. The owner shall use the best available control technology as approved by the board for the control of odorous emissions.

   (9 VAC 5-50-140 A and 9 VAC 5-50-310)

5. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any odorous emissions in excess of that resultant from using best available control technology, as reflected in any condition that may be placed upon the permit approval for the facility.

   (9 VAC 5-50-140 B)

6. Unless specified otherwise in this part, on or after the date on which the performance test required to be conducted is completed, no owner or other person shall cause or permit to be discharge into the atmosphere from any affected facility any visible emissions which exhibit greater than 20 percent opacity, except for one six-minute period in any one hour of not more than 30 percent opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

   (9 VAC 5-50-140 B and 9 VAC 5-50-290)

7. No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

   (9 VAC 5-50-410 and 40 CFR 60 Subpart A 60.12)

8. In case of shutdown or bypassing, or both of air pollution control equipment for necessary scheduled maintenance for more than one hour the intent to shutdown the equipment shall be reported to the board.

   (9 VAC 5-20-180 (B))

B. Monitoring

1. All continuous monitoring systems and monitoring devices, as may be applicable for your source type, shall be installed and operational prior to conducting performance tests under 9 VAC 5-50-30 and 9 VAC 5-60-30 of State Regulations. Performance evaluations of the continuous monitoring system must take place during the performance tests under Sections 9 VAC 5-50-30 and 9 VAC 5-60-30 of State Regulations or within 30 days thereafter. The Department (Director, Piedmont Regional Office) Board must be furnished with two copies of the report of the performance evaluations within 60 days of said evaluation.

   (9 VAC 5-50-40 and 9 VAC 5-60-40)

2. For the purposes of §60.13, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of §60.13 upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

   (9 VAC 5-50-410 and 40 CFR 60 Subpart A 60.13(a))

C. Testing

The permitted facility shall be designed and constructed so as to allow emissions testing using appropriate methods upon reasonable notice at any time.

(9 VAC 5-50-30 and 9 VAC 5-60-30)

D. Record Keeping

1. The permittee shall retain records of all emission data and operating parameters required to be monitored by the terms of this permit. These records shall be maintained by the source for the most current Five (5) year period.
   (9 VAC 5-50-50 and 9 VAC 5-60-50)

2. The permittee shall develop, maintain, and have available to all operators good written operating procedures for all air pollution control equipment. A maintenance schedule for all such equipment will be established and made available to the Department (Director, Piedmont Regional Office) for review. Records of service and maintenance will be maintained on file by the source for a period of five (5) years.
   (9 VAC 5-20-110)

3. An owner of an affected facility subject to the provisions of this section shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. The records shall be maintained in a form suitable for inspection and maintained for at least two years following the date of the occurrence
   (9 VAC 5-20-180 J)

4. The owner of a stationary source shall keep records as necessary to determine its emissions. Any owner claiming that a facility is exempt from the provisions of these regulations shall keep records to demonstrate its continued exempt status.
   (9 VAC 5-50-50 F)

5. Upon request of the board, the owner of a new or modified source shall provide notifications and reports, maintain records or report performance test or monitoring results in a manner and form and using procedure acceptable to the board.
   (9 VAC 5-50-50 H)

E. Reporting

1. This permit may be modified or revoked in whole or in part for cause, including but not limited to, the following:

   a. Violation of any terms or conditions of this permit;

   b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

   c. A change in any condition that requires either a temporary or permanent reduction or elimination of a permitted discharge; or

   d. Information that the permitted discharge of any pollutant poses a threat to human health, welfare, or the environment.

   (9 VAC 5-20-110 and 9 VAC 5-80-10)

2. The permitted facility is to be constructed and operated as represented in the permit application referenced in Part 1, Condition No. 2 of the 10/31/00 permit. No changes in the permit application specifications or any existing facilities shall be made which alter the emissions into the ambient air or alter the impact of the facility on air quality without the prior written approval of the Board.

   (9 VAC 5-20-110 and 9 VAC 5-80-110)

3. This permit approval is only applicable to the permit requirements of the Department of Air Pollution Control and does not alter permit requirements by any other local, state, or federal government agency. Hopewell Cogeneration Limited Partnership is cautioned that approval of this permit should not be construed to mean its operation is automatically in compliance with all aspects of the Regulations for the Control and Abatement of Air Pollution. State Air Board personnel will be constantly evaluating all sources for compliance with Part V, Section 9 VAC 5-50-80 (of State Regulations - Standard for Visible Emissions, Section 9 VAC 5-50-90 of State Regulations - Standard for Fugitive Dust/Emissions, and Section 9 VAC 5-50-140 of State Regulations - Standard for Odorous Emissions. Compliance with all air pollution regulations must be a continuing, full time effort.

   (9 VAC 5-20-110)

4. Annual requirements to fulfill legal obligations to maintain current stationary source emissions data will necessitate your prompt response to requests for information to include, as appropriate: process and production data; changes in control equipment, and operating schedules. Such requests for information from the DEQ will either be in writing or by personal contact. The availability of information submitted to the DEQ or the Board will be governed by applicable provisions of the Freedom of Information Act, '' 2.1-340 through 2.1-348 of the Code of Virginia, ' 10.1-1314 (addressing information provided to the Board), and 9 VAC 5-20-150 of the State Air Pollution Control Board Regulations. Information provided to federal officials is subject to appropriate federal law and regulations governing confidentiality of such information.

   (9 VAC 5-20-160)

5. The owner of any stationary source emitting 25 tons per year or more of volatile organic compounds or nitrogen oxides and located in any emissions control area designated in Appendix P of 9 VAC 5-10 shall submit an emissions statement to the board by April 15 of each year, beginning in 1993, for the emissions discharged during the previous calendar year. Emissions statements shall be prepared and submitted in accordance with the applicable procedure in Appendix S of 9 VAC 5-10.

   (9 VAC 5-20-160 B)

VII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
14	Fuel Oil Piping Fugitives	5-80-720 B 2.	VOC	NA
15	Diesel Tank for Fire Pump	5-80-720 B. 2	VOC	200 gallons
16	Propane Bottles	5-80-720 B. 2	NA	Six 100 lbs bottles
17	Natural Gas Piping	5-80-720 B 2.	VOC	NA
18	Diesel Generator Fuel Oil Tank	5-80-720 B. 2	VOC	15,000 gallons
19	Paved Roads	5-80-720 B. 1	PM	NA
110	Oil/Water Separator	5-80-720 B. 2	VOC	< 500 gallons
111	Used Oil Tank	5-80-720 C. 3	VOC	< 264 gallons

VIII. General Conditions

A. Permit Shield

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None Identified.		

Nothing in this permit shield shall alter the provisions of ' 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to ' 114 of the federal Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

B. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

C. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.
(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

D. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

d. The analytical techniques or methods used.

e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

3. At a minimum, the permittee shall submit the results of monitoring contained in any applicable requirement to DEQ semiannually. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the report.

b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restriction;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitation or operational restrictions; or,

(3) Failure to meet monitoring, record keeping or reporting requirements contained in this permit. Exceedance of emissions limitations or operational restriction;

c. If there were no deviations from permit conditions during the time period, the permittee shall included a statement in the report that “no deviations from permit requirements occurred during this reporting period.
(9 VAC 5-80-110 F)

E. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to ' 114(a)(3) and ' 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

3. The identification of each term or condition of the permit that is the basis of the certification.

4. The compliance status.

5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

6. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

F. Permit Deviation Reporting

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.
(9 VAC 5-80-110 F.2)

G. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Valley Region, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.
(9 VAC 5-80-250)

H. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

I. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit

noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

J. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

K. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

   a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;

   b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;

   c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

   d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;

   e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;

   f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);

   g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

   (9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

L. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

M. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
   (9 VAC 5-80-110 K.1)

N. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.
(9 VAC 5-80-110 H)

O. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and

5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

   (9 VAC 5-50-50)

P. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20)

Q. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.
(9 VAC 5-80-110 J)

R. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

   (9 VAC 5-80-110 K.2)

S. Reopening For Cause

1. The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable

requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

2. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

3. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

4. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
(9 VAC 5-80-110 L)

T. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

U. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

V. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements.

   e. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

   (9 VAC 5-80-250)

W. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

X. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

Y. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

   (9 VAC 5-80-110 I)

IX. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

A. Odor.

None.

B. State toxics rule...

The following Virginia Administrative Codes have specific requirements only enforceable by the State and have been identified as applicable by the applicant:

From the 10/31/00 PSD Permit Condition Numbers: 6 and 8.

(9 VAC 5-50-180)

X. NOx Allowance Budget Trading Permit Requirements

A. General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO_X Budget Unit and is subject to the NO_X Budget emission limitations under 9 VAC 5-140-40, or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A for each NO_X Budget source required to have a federally enforceable permit, such permit will include the NO_X Allowance Budget Trading permit to be administered by the permitting authority. This section represents the NO_X Budget Trading permit.
   (9 VAC 5-140-40)

2. The NO_X Budget Trading permit will be administrated by the DEQ under the authority of 9 VAC 5 Chapter 80, Part II, Articles 1 and 3 (9 VAC 5-80-50 et seq. and 9 VAC 5-80-360 et seq.), and 9 VAC 5 Chapter 140, Part I (9 VAC 5-140-10 et seq.).
   (9 VAC 5-140-10)

3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO_X Budget Trading program as "opt-in" air emission sources.
   (9 VAC 5-140-40 A)

Table X – 1 Facility NO_X Budget Units				
Facility Unit ID	NATS Account ID	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
CT1	010633 - 000001	ABB Type 11N Combustion Turbine and NooterEriksen Heat Recovery Steam Generators	1,143.6	Total Facility rated at 356.5 MW of the combined three turbine generators.
CT2	010633- 000002	ABB Type 11N Combustion Turbine and NooterEriksen Heat Recovery Steam Generators	1,143.6	
CT3	010633- 000002	ABB Type 11N Combustion Turbine and NooterEriksen Heat Recovery Steam Generators	1,143.6	

4. This NO_X Budget Trading permit will become effective on May 31, 2004.
   (9 VAC 5-140-240.1)

B. Standard Requirements

1. Monitoring requirements.

   a. The owners and operators and, to the extent applicable, the NO_X authorized account representative of each NO_X Budget source and each NO_X Budget unit at the source shall comply with the monitoring requirements of Part I, Article 8 (9 VAC 5-140-700 et seq.).
   (9 VAC 5-140-60 B.1)

   b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (Subpart H of 40 CFR Part 97) shall be used to determine compliance by the unit with the NO_X Budget emissions limitation under paragraphs B.2.a through B.2.h.
   (9 VAC 5-140-60 B.2)

2. Nitrogen oxides requirements.

   a. The owners and operators of each NO_X Budget source and each NO_X Budget unit at the source shall hold NO_X allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_X allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_X emissions for the control period from the unit, as determined in accordance with Part I, Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_X Budget Trading Program, or a change in regulatory status, of a NO_X Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
   (9 VAC 5-140-60 C.1)

b. Each ton of nitrogen oxides emitted in excess of the NO_X Budget emissions limitation shall constitute a separate violation of 9 VAC 5 Chapter 140, Part I, the Clean Air Act, and applicable Virginia Air Pollution law.

(9 VAC 5-140-60 C.2)

c. A NO_X Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004, or the date on which the unit commences operation.

(9 VAC 5-140-60 C.3)

d. NO_X allowances shall be held in, deducted from, or transferred among NO_X Allowance Tracking System accounts in accordance with Part I, Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.).

(9 VAC 5-140-60 C.4)

e. A NO_X allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_X allowance was allocated.

(9 VAC 5-140-60 C.5)

f. A NO_X allowance allocated by the permitting authority or the administrator under the NO_X Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_X Budget Trading Program. No provision of the NO_X Budget Trading Program, the NO_X Budget permit application, the NO_X Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

(9 VAC 5-140-60 C.6)

g. A NO_X allowance allocated by the permitting authority or the administrator under the NO_X Budget Trading Program does not constitute a property right.

(9 VAC 5-140-60 C.7)

h. Upon recordation by the administrator under Part I, Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.), every allocation, transfer, or deduction of a NO_X allowance to or from a NO_X Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_X Budget permit of the NO_X Budget unit by operation of law without any further review.

(9 VAC 5-140-60 C.4)

3. Excess emissions requirements.

a. The owners and operators of a NO_X Budget unit that has excess emissions in any control period shall:

(1) Surrender the NO_X allowances required for deduction under 9 VAC 5-140-540 D 1; and

(2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.

C. Recordkeeping and Reporting Requirements.

The following requirements concerning recordkeeping and reporting shall apply:

1. Unless otherwise provided, the owners and operators of the NO_X Budget source and each NO_X Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.

   (9 VAC 5-140-60 E.1)

   a. The account certificate of representation for the NO_X authorized account representative for the source and each NO_X Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_X authorized account representative.

      (9 VAC 5-140-60 E.1)

   b. All emissions monitoring information, in accordance with Part I, Article 8 (9 VAC 5-140-700 et seq.), provided that to the extent that Part I, Article 8 (9 VAC 5-140-700 et seq.) provides for a three-year period for recordkeeping, the three-year period shall apply.

      (9 VAC 5-140-60 E.1)

   c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_X Budget Trading Program.

      (9 VAC 5-140-60 E.1)

   d. Copies of all documents used to complete a NO_X Budget permit application and any other submission under the NO_X Budget Trading Program or to demonstrate compliance with the requirements of the NO_X Budget Trading Program.

      (9 VAC 5-140-60 E.1)

2. The NO_X authorized account representative of a NO_X Budget source and each NO_X Budget unit at the source shall submit the reports and compliance certifications required under the NO_X Budget Trading Program, including those under Part I, Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.).

   (9 VAC 5-140-60 E.1)

D. Testing

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-140-300)

E. Liability

1. Any person who knowingly violates any requirement or prohibition of the NO_X Budget Trading Program, a NO_X Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
   (9 VAC 5-140-100 F.1)

2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_X Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
   (9 VAC 5-140-60 F.2)

3. No permit revision shall excuse any violation of the requirements of the NO_X Budget Trading Program that occurs prior to the date that the revision takes effect.
   (9 VAC 5-140-60 F.3)

4. Each NO_X Budget source and each NO_X Budget unit shall meet the requirements of the NO_X Budget Trading Program.
   (9 VAC 5-140-60 F.4)

5. Any provision of the NO_X Budget Trading Program that applies to a NO_X Budget source or the NO_X authorized account representative of a NO_X Budget source shall also apply to the owners and operators of such source and of the NO_X Budget units at the source.
   (9 VAC 5-140-60 F.5)

6. Any provision of the NO_X Budget Trading Program that applies to a NO_X Budget unit or the NO_X authorized account representative of a NO_X budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO_X authorized account representative of one NO_X Budget unit shall not be liable for any violation by any other NO_X Budget unit of which they are not owners or operators or the NO_X authorized account representative and that is located at a source of which they are not owners or operators or the NO_X authorized account representative.
   (9 VAC 5-140-60 F.6)

F. Effect on Other Authorities.

No provision of the NO_X Budget Trading Program, a NO_X Budget permit application, a NO_X Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_X authorized account representative of a NO_X Budget source or NO_X Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, the Clean Air Act.
(9 VAC 5-140-60 G)